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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,591	11/09/2001	Terry L. Dellinger	01-031	5803

7590 04/09/2003
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EXAMINER	
TRAN, HENRY N	
ART UNIT	PAPER NUMBER
2674	

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,591

Applicant(s)

DELLINGER, TERRY L. 

Examiner

HENRY N. TRAN

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex-parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This Application has been examined. The original claims 1-12 are pending. The examination results are as following.

Information Disclosure Statement

1. The examiner has considered the references listed in the information disclosure statement (IDS) filed 11/9/01 (Paper No. 5) (see the attached form PTO-1449).

Drawings

2. The examiner objects the drawings filed 1/23/02 (Paper No. 4) because of the problems recited by the draftsman (see the attached form PTO-948).

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-11 are objected to because of the following informalities: an editorial error is found in the independent claim 1: the claimed limitation "a users hand" in line 5 must be changed to -- a user's hand --. Appropriate correction is required.

For the purpose of this Office action, the examiner assumes that said above claimed limitation "a users hand" is changed to -- a user's hand --.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers (US 2000/0035856 A1) in view of Hovsepian (U.S. Patent Des 430,161).

6. Regarding claim 1, Myers teaches a hand-held trackball pointing device 20 comprising: a housing 22 configured to fit into a user's hand proximate the metacarpal region of the fingers thereof; a trackball 40 configured for interaction with the thumb for generating a output signal, which is a trackball signal representative of a position thereof; a plurality of switches 30 and 32 configured for interaction with the metacarpal region of the fingers of said user's hand for generating a output signal, which is a switch signal representative of a the state of at least one switch; and means 28 (a cable 28 or a wireless transmitter) for communicating a output signal to an external device, e.g., a computer (see figures 1-3; and paragraphs 0016 to 0020). However, Myers does not teach expressly that the hand-held trackball pointing device 20 is symmetrical for use by right-hand and left-hand users. Hovsepian teaches a hand-held trackball pointing device (a hand supported and controlled mouse), which is symmetrical for use by right-hand and left-hand users (see figures 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the symmetrical pointing device as taught by Hovsepian in the Myers device because it would provide an improved hand-held trackball pointing device,

Art Unit: 2674

which is flexibly, conveniently and effectively used by a user. By this rationale, claim 1 is rejected.

Note: Official notice is taken for the claimed element: d) "circuitry disposed ...signal", because which is a required element in a mouse or trackball input device, and is old and well known in the art.

7. Regarding claims 2-12; Meyers further teaches: the plurality of switches 30 and 32 comprising three switches 30 and 32 (claim 2); means 28 is a hardwire cable 28 for communicating a output signal to an external device (claim 4); means 28 is a wireless transmitter for communicating a output signal to a wireless receiver of an computer (claim 5); the use of a radio frequency (RF) signal, or an infrared (IR) signal are well-known in the art (e.g., see US patent No. 6,184,862; col. 5, lines 64-67) (claims 6-7); and means, which is elastic band or strap 10 comprising hook and loop fastening means 14 (claims 9-11) (see references recited above). Hovsepian further teaches: push button switches (claim 3); the push switches disposed in a pistol grip region (claim 8); and the housing of the hand-held trackball pointing device is symmetrical for use by right-hand and left-hand users (see the figures recited above). Claims 2-12 are dependent upon claim 1, and are therefore rejected on the same reasons set forth for claim 1, and by the reasons noted above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

Art Unit: 2674

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY N. TRAN whose telephone number is (703) 308-8410. The examiner can normally be reached on Mon - Fri from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD A. HJERPE, can be reached at (703) 305-4709.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office Whose telephone number is (703) 306-0377.

Henry N. Tran

HENRY N. TRAN
Examiner
Art Unit 2674

hnt
April 6, 2003